

REGISTERED DOMESTIC PARTNERS

NOTE: The following Sections of DOM were revised August 27, 2007

Chapter 1

Article 13 – Public Information

13010.18 Legislative Hearings

- WITNESSES--Witnesses are those inmates, parolees, or ex-felons who have been subpoenaed by the legislative committee and other persons invited by the committee. Such other persons may include family members including registered domestic partners, victims of crimes, expert or technical advisors, and past or present employees of the Department, all of whom must have received written verification of the committee's directive to appear.

Article 15 – Information Practices

13030.23.5 Guidelines: Methadone Patient Information

With the Patient's Consent

If the patient gives prior written consent, designated employees (see DOM 13030.3.1 and 13030.17.2 for identifying "designated employees") may disclose necessary written or verbal information to the following persons:

- The patient's attorney.
- The patient's immediate family members as defined in Section 3000 of the Title 15, unless the person responsible for treatment believes the disclosure would be harmful to the patient.

Chapter 5

Article 21 – Inmate Use of Telephones

52060.9 Emergency Calls

An emergency is defined as a death, serious illness, or accident involving an immediate family member as defined in Section 3000 of the Title 15. When a member of an inmate's family calls to convey an emergency message, the call shall be referred to the appropriate Chaplain or Correctional Counselor.

Article 39 – IW/TIP

53130.7.1 Use of ETO

ETO must be approved by the work/training supervisor and may be denied based on institutional operational needs or security. Departmentally approved activities for which ETO may be approved by work/training supervisors shall be limited to the following:

- Family visiting. An inmate scheduled for a family visit may be permitted to visit in the visiting room (regular visit) on the first day of a family visit while awaiting processing, and on the last day of the family visit.
- Regular visiting under extraordinary circumstances. Following are extraordinary circumstances for which use of ETO is authorized:
 - Out-of-state visitors. Upon substantiation that the visitor(s) resides out-of-state, a distance greater than 249 miles, and is in California for a temporary stay of 30 days or less, and the visitor(s) has not visited with the particular inmate for four months. No more than two such visits shall be permitted for each such occurrence.
 - Excessive distance. When a visitor must travel a distance of 250 miles or more, and has not visited the inmate within the last 30 days.
 - Weddings. When an inmate marries, the inmate may, with five working days prior approval, use ETO for a visit on the wedding day.
 - Handicapped. When a visitor is handicapped as defined by California law and must rely on special transportation to the institution. Approval is required five working days prior to the visit.
 - Family emergencies. When death, serious illness or injury occurs to an inmate's immediate family member as defined in Section 3000 of the Title 15; clergymen, family members including registered domestic partners, or close friends may visit the inmate to offer condolences or inform the inmate of the occurrence.

53130.8.1 Authorized Use of "S" Time

"S" time shall be authorized for the following reasons:

- Institutional lockdown.
- Emergency recall.
- Attorney visits.
- Fog or inclement weather conditions.
- Work/training supervisor's absence when no relief supervisor is provided.
- Removed to out-to-court status.
- Three working days prior to transfer to another institution.
- Ten working days prior to parole or discharge, including institution base camps.
- Conservation camp inmates shall receive 15 days "S" time prior to release.
- Thirty working days prior to parole or discharge on California inmates serving their terms in other jurisdictions.
- Appearances at classification hearings or casework interviews which cannot reasonably be conducted during the inmate's off duty hours.
- Staff interviews with an inmate regarding a death notice or emergency involving a member of the inmate's immediate family as defined in Section 3000 of the Title 15.

Article 42 - Visiting

54020.3 Definitions

Minor

As used in this Section, a minor is an unemancipated person, under 18 years of age, who is not the spouse of the inmate being visited.

Clothed Body Search

A clothed body search entails individuals being physically searched by staff. Staff will use their hands to conduct a security search of the person in question. Additionally, staff may use other detection devices to conduct such security searches. Individuals may also be asked to remove outer garments, heavy clothing, and/or shoes to complete the security search.

Unclothed Body Search

An unclothed body search may consist of the removal of a portion or all of an individual's clothing so as to permit a visual inspection by staff of the body and body cavities for security reasons. Additionally, staff may use other non-intrusive detection devices to conduct the security search of the person in question.

Immediate Family Members

In accordance with California Code of Regulations (CCR), Title 15, Division 3, Section 3000, immediate family members are defined as:

- Legal spouse
- Registered domestic partner.
- Natural parents.
- Adoptive parents, if the adoption occurred and a family relationship existed prior to the inmate's incarceration.
- Stepparents or foster parents.
- Grandparents.
- Brother or sister, stepbrother or stepsister, foster brother or foster sister.
- Natural children, adoptive children, and grandchildren of the inmate.
- The inmate's legal stepchildren.
- Aunts, uncles, and cousins are not considered immediate family members unless a bona fide foster relationship exists.

54020.9 Extenuating Circumstances for Visitor Approval

Exceptions to approval requirements for visitors may be made when death, life-threatening illness, or injury occurs to an immediate family member, including registered domestic partner, of the inmate.

Family emergency exceptions shall be made only for an inmate's immediate family members as defined in Section 3000 of the Title 15 or clergy.

54020.26 Visiting with More Than One Inmate

Except for visits with immediate family members as defined in Section 3000 of the Title 15, visiting with more than one inmate at the same time shall require the approval of the institution head or designee. Consistent with all other requirements specified in DOM 54026.10.1.

Visiting more than one inmate at the same time shall require that both inmates are approved to visit in the same visiting room and that either:

- The visitor(s) has prior written approval from the institution/facility head or designee, or
- The visitor(s) and inmates are immediate family members including registered domestic partner.

54020.27 Visiting in CDCR Hospitals and Infirmaries

Authorization from the health care manager and the correctional custody captain or AOD shall be obtained to approve visits for inmates housed in CDCR infirmaries or hospital facilities.

- Visitors shall be immediate family members including registered domestic partner.

54020.28 Visiting in a Community Hospital

Visits for inmates in a community hospital may be approved under the following conditions:

- The inmate has a life-threatening or critical illness/injury.
- The visitor is an immediate family member including registered domestic partner.

54020.30 Denial or Termination of Visits Due to Overcrowding

Visits may be terminated or denied when the visiting areas are in use to maximum capacity, and there are other approved visitors waiting to visit.

Termination of visits due to overcrowding shall be based on the recorded order of arrival time of the inmate (first in/first out). Exceptions to this termination procedure are as follows:

- Excessive distance: The visitor has traveled a distance of 250 miles or more and has not visited within the last 30 days. This exception shall be applied to allow two consecutive days of visiting.
- Disabled Visitor: A visitor who is certified as disabled as defined by California law and must rely on special transportation to the institution.
- Weddings: When a visitor is married to an inmate on that particular day.
- Family Emergencies: When death, serious illness, or injury occurs to an inmate's immediate family including registered domestic partner. Clergy or approved visitors may visit the inmate to offer condolences or inform the inmate of the occurrence.

54020.33.2 Inmate Applications for Family Visits

Each inmate's assigned Correctional Counselor I (CC-I) is responsible for determining his/her eligibility to participate in the FVP.

Applicants shall submit their initial institutional request, on a CDC Form 1046, Family Visiting Application, to their respective CC-I.

The CC-I shall evaluate the following areas of specific interest:

- Escape history.
- Commitment offense and behavior history to determine eligibility, pursuant to CCR Section 3177(b) (1).
- Current case factors to determine eligibility pursuant to CCR Section 3177(d).

If the CC-I finds that based on criteria, the inmate is ineligible; they shall annotate specific reasons for denial on the CDC Form 1046.

If one or more of the above factors are present and the CC-I can not readily make a determination for eligibility, a case conference with the CC-II and/or the Facility Captain shall be held to determine eligibility. If necessary, the case shall be referred to a classification committee for approval or disapproval.

Upon review and approval, the CC-I shall complete a CDC Form 128 B noting the approval and/or restrictions and forward a copy of it to the family visiting coordinator. After the initial approval, all subsequent requests shall be submitted on a CDC Form 1046, Family Visiting Application, directly to the family visiting coordinator.

Proof of marriage or registered domestic partnership shall be established by the family visiting coordinator. A certified copy of the marriage certificate or Certificate of Registered Domestic Partnership, issued by the Secretary of State, shall be presented to the coordinator prior to each visit.

Family visits shall be scheduled with specified family members as defined in Section 3000 of the Title 15. Once an application is submitted, no changes, or substitutions of visitors shall be permitted.

54020.33.10 Family Member Participation

Participation in the FVP is restricted to the inmate's immediate family members including registered domestic partner.

- A certified copy of the marriage certificate shall be presented to the family visiting coordinator prior to each visit by the inmate's spouse.
- A certified copy of the Certificate of Registered Domestic Partnership, issued by the Secretary of State, shall be presented to the family visiting coordinator prior to each visit by a registered domestic partner of an inmate.

54020.33.15 Authorized Property for Family Visiting

Visitors are authorized to possess the following items while participating in the family-visiting program:

- One bag of clothing per visitor; no suitcases are permitted.
 - Clothing shall be in paper, plastic, or fabric bags.
- Basic personal hygiene and cosmetic items in the amount necessary for the length of the family visit.
 - No aerosol containers.
- Disposable diapers only.
- Children's toys.
 - Simple games, coloring books, crayons, or pencils (as authorized by the institution).
- Locker key.
- Prescribed medications in accordance with this Article.
- Prescribed birth control pills.
- A spouse or registered domestic partner shall be permitted to bring in a maximum of ten commercially sealed condoms per visit.
 - Condoms in unsealed packaging shall not be permitted into the institution.
 - All unused condoms shall be retained in their sealed packaging and taken from the institution by the visiting spouse or registered domestic partner.

Article 44 – Prison Rape Elimination Policy

54040.3 Definitions

Aggressor

An offender or staff member who attempts to commit, or commits a sexual assault and/or coercion of an offender that results in either consensual or non-consensual sexual contact.

Coercion

A threat, however communicated, to commit an offense; to inflict bodily injury in the future on the person threatened or another, to accuse a person of any offense, to harm the credit or business reputation of any person, to take or withhold action as a public servant, or to cause a public servant to take or withhold action.

“Need to Know” basis

When the information is relevant and necessary in the ordinary performance of that staff person’s official duties.

Non-consensual

Not giving permission for or consent to an action being taken by another person.

Offender

Any inmate, ward, parolee, or other person currently under the jurisdiction of the CDCR.

Rape

Refer to PC Section 261.

Sexual Assault

Any contact by the use of force, threatened use of force, or coercion between the sex organ of one person and the sex organ, mouth, hand, or anus of another person or any intrusion of any part of the body of one person or of any object, substance, instrument, or device into the sex organ, mouth, or anus of another person.

Sexual Assault Response Team

A coordinated interdisciplinary team of law enforcement, prosecution, medical, and advocacy experts collaborating to meet the forensic needs of the criminal justice system, and the medical and emotional needs of the sexual assault victim.

In the CDCR, one adult institution has an on-site SART, the California Correctional Institute (CCI); all others will utilize the resources available via contract at the local community hospital. The program at CCI will be considered a pilot and will be reviewed after one year for best practices and lessons learned.

Sexual Contact

Any touching of an erogenous zone of another, including the thigh, genitals, buttock, pubic region, or breast for the purpose of sexual gratification.

Sexual Misconduct

Any threatened, coerced, attempted, or completed sexual assault or non-consensual sexual conduct between offenders.

As it relates to employees, any sexual behavior by a departmental employee directed toward an offender, as defined in California Code of Regulations (CCR) Section 3401.5 and Penal Code (PC) Section 289.6. The legal concept of "consent" does not exist between departmental employees and offenders; any sexual behavior between them constitutes sexual misconduct and shall subject the employee to disciplinary action and/or to prosecution under the law.

Staff or Employee

Any person employed by the CDCR, including volunteers and independent contractors assigned to an institution, community correctional facility, conservation camp, parole, or headquarters.

Victim

For purposes of this policy, an offender who is sexually assaulted or is subjected to non-consensual sexual contact by another offender. In addition, an offender who is sexually assaulted or is subjected to sexual misconduct by a staff member.

Victim Advocate

An individual typically employed by a Rape Crisis Center whose primary purpose is the rendering of advice or assistance to victims of sexual assault and who has received a certificate evidencing completion of a training program in the counseling of sexual assault victims issued by an approved counseling center. The Victim Advocate will be summoned to assist the alleged victim of an in-custody sexual assault. In cases where an outside Victim Advocate is not available, a designated employee who has completed the required training will be called upon to provide support to a victim of in-custody sexual assault. (Refer to Evidence Code 1035.2.)

Victim Support Person

Any person of the alleged victim's choosing which could include another offender, personal friend, or family member including registered domestic partner.

Article 53 – Inmate/Parole Appeals

54100.6 Appeal Preparation

Appeal forms and forms prescribed by the BPT, NAEA, and the PIA shall be available to all inmates, including inmates in reentry programs, and parolees. The inmate, with assistance if needed, shall complete one copy of the CDC Form 602, attach all relevant documents and forward them, open or sealed, to the appeals coordinator. Parolees shall mail or deliver the CDC Form 602 to the appeal coordinator's office. Relevant documents include classification and custody chronos, time card copies, canteen and property inventory sheets, completed CDC Form 115, Rules Violation Report, and supplemental and investigation reports.

A qualified inmate/parolee with a disability who is requesting modification or accommodation pursuant to the ADA or who has a grievance based on a disability shall follow the procedures in DOM 54100.32.

The CDC Form 602 provides a system of accountability at each level of review. When the appeal material is submitted without the CDC Form 602, the appeals coordinator shall return it to the inmate or parolee with instructions to fill out and sign the CDC Form 602 and resubmit the appeal for processing.

Another inmate or parolee, staff member, family member as defined in Section 3000 of the Title 15, or other interested party, or the inmate/parolee's attorney may assist the inmate or parolee in completing the appeal form before submission at each level or review. However, the appellant shall sign, date, and submit the document at each step in the process.

Chapter 6

Article 3 – Cumulative Case Summary

61030.6.2 ISRS Section Contents

Supplemental ISRS Report

If the inmate is subsequently committed to the Department, a report entitled "Supplemental ISRS Report" shall be completed to show any significant changes since the diagnostic evaluation and to complete the transfer section.

Source of Report

The format of the ISRS and the content of each section shall be as follows:

- List the sources from which the report is prepared such as inmate interview, POR or old C-file.
- Include the date the inmate was interviewed and the date of each document.

Confidential Information

If there is no information requiring placement in the Confidential Materials Folder indicate "None." If there is confidential information specify the type by using one of the following designations:

- Enemy;
- Gang;
- Notification of interested party; or,
- Other.

Holds/Detainers

Identify each actual and potential hold by indicating the offense and Code Section, whether felony, misdemeanor, or probation violation and the County originating the hold. If the hold is for USINS, indicate the country of birth. If there is a potential hold, the counselor shall insure that a CDC Form 850, Detainer Summary, is completed. If a "time server" or concurrent sentence is indicated, list the expiration date. If it is for a consecutive term, indicate the offense and term. Holds received by reception center staff after the inmate's transfer shall be telephonically communicated to the receiving institution and forwarded by mail.

Institution Recommendation

The Penal Code requires that placement in an appropriate institution nearest to where the newly committed inmate's parents, spouse, registered domestic partner, or children lived at the time of commitment be considered unless factors, such as classification criteria, availability of beds or time to serve, make such placement unreasonable. Indicate the institution the inmate requests, if any, whether it qualifies as closest to the home address and any obstacles or benefit from granting the request. Indicate the institution or community correctional facility recommended and one alternate. Provide the reason for the recommendations, not just the score/level. .

Article 6 – Recall of Commitment

62020.7 Recall Request by Private Citizen

Requests for PC 1170(d) studies or consideration for recall by private citizens, defense attorneys, or family members including registered domestic partners shall not be initiated by departmental staff.

All such requests shall be responded to promptly with a letter stating the Director's policy and directing the requesting party to the sentencing court.

Article 11 – Temporary Removals

62070.4.1 Exclusion Criteria

Inmates shall not be permitted a TCL when the following conditions prevail:

- Inmate is serving life without possibility of parole.
- When weapons or restraint equipment must be utilized to escort.
- When inmates are out-of-state cases and safekeepers, unless approved by agency retaining jurisdiction.
- When inmates are CYA /DMH [concurrent (CC) jurisdiction] cases, unless approved by those agencies.
- When inmates are determined to be security/custody risks.

Examples are:

- Escape risk.
- Has made verified threats toward victims, witnesses, family members as defined in Section 3000 of the Title 15, departmental staff, or public officials.
- Inmate exhibits a pattern of serious aggressive behavior that is supported by disciplinary documentation.

62070.4.2 Criteria for Custodial Escort

Custodial escort for a TCL is defined as a Department peace officer properly trained and certified in escort of inmates. Certification requires completion of annual IST classes mandated for peace officer staff on transportation and escort of inmates. Custodial supervision shall be required for inmates who possess any of the following case factors:

- Designated other than Minimum-B custody.
- Psychiatric cases documented by the chief psychiatrist as not being a danger to self or others.
- Housed in AD-SEG for protection only.
- Has a felony detainer or is serving a concurrent or consecutive county jail sentence, a portion of which must be served upon release from Department custody.
- Identified with organized crime.

- Convicted of high notoriety crimes or where presence in a community would likely cause adverse reaction.
- Designated "R" suffix (restricted custody).

Restricted to funeral visit only

- No parole date or has seven or more years remaining to parole.
 - Inmates in this category shall only be considered for a TCL to attend a funeral of an immediate family member as defined in Section 3000 of the CCR.

62070.5 Family Emergency

Emergency leaves may be granted for attendance at a funeral service or hospital bedside visit of a critically ill immediate family member as defined in Section 3000 of the Title 15 except as provided in DOM 62070.4.2 (no parole date or has seven or more years remaining to parole.)

Immediate Family defined

Immediate family member as defined in Section 3000 of the Title 15 includes any of the following:

- Legal spouse.
- Registered domestic partner
- Natural parents.
- Adoptive parents (if adoption occurred and a family relationship existed prior to incarceration).
- Step-parents.
- Foster parents.
- Grandparents.
- Brothers and sisters.
- Children.
 - Natural.
 - Adoptive.
 - Step.
- Grandchildren.

62070.5.1 Screening Responsibilities

The inmate's caseworker:

- Receives request from the inmate, family members as defined in Section 3000 of the Title 15, or other persons identifying the reason for an emergency leave request (death/hospital/visit).

Caseworker Review and Verification

- Thoroughly verifies that request and circumstances are valid. This verification process shall include, but is not limited to:
 - Verify immediate family relationship.
 - Contact hospital/attending physician, county coroner, and funeral director for complete details surrounding death and funeral arrangements.
 - If death was by other than natural causes, or the death is under investigation, contact necessary law enforcement agencies to determine causes and circumstances of death.
 - Attending physician shall be personally contacted. Attending physician shall verify that the immediate family member's condition is classified as critical and the physician's prognosis for recovery determined.

Article 13 – Board of Parole Hearings

62090.6.4.3 BPH Hearing Attendee Screening

The following BPH attendee screening process is intended to ensure the safety of all persons entering CDCR institutions. The policy is based on standards and protocols employed by the United States Transportation Safety Administration.

Except as provided in this Article, victims, next of kin, and their representatives attending BPH hearings are required to successfully pass through a metal detector or alternate screening process as described below as a condition of entering an institution where a hearing is to be held. Attendees should avoid wearing clothing items that contain metal as these items will set off the metal detectors. Attendees are to remove coats, jackets, and items that may set off the metal detector before attempting to pass through the metal detector. Attendees who do not successfully pass through the metal detector will be subject to additional screening and may be denied entrance into the facility.

In the event an attendee is unable to successfully pass through the metal detector, CDCR custody staff shall use a hand held metal detection wand for a more localized search to identify the area(s) causing the alert.

If through the use of the hand held wand, custody staff can localize/isolate the area(s) which is causing the alert, a pat down of the area(s) will be conducted to determine the cause of the alert before being permitted into the institution.

Attendees who do not want to go through the metal detector or hand held wand screening may request a pat down search as an alternative.

Pat-down searches may also be required of attendees based on visual observations by custody staff, even if an audible alarm has not gone off.

Custody staff are required to communicate their actions to attendees prior to using hand-wands or conducting pat-down searches.

Custody staff are to use the back of the hand when patting-down sensitive body areas, which include the breasts (females only), genitals, and buttocks. For non-sensitive areas, including other parts of the torso, custody staff are required to use the front of the hand. An attendee has the option to request a private screening location.

Custody staff of the same gender as the attendee will conduct pat-down searches. An additional custody staff of the same gender as the attendee shall be present whenever a pat-down search is conducted.

A companion, assistant, or family member as defined in Section 3000 of the Title 15 may accompany attendees with disabilities or medical conditions and assist them during a private or public screening. After providing this assistance, the companion, assistant, or family member will need to be re-screened. An attendee may ask for a chair if he or she needs to sit down during the screening process. Attendees should be required to raise their arms out during an inspection only as far as they indicate they can. Attendees who refuse appropriate screening will not be permitted into the institution and will be unable to attend the BPH hearing.

62090.11.3 Non-Life Prisoner Evaluation Format

Inmate Resources

Inmate resources and plans for release.

- Marital status/child support. Summarize present family situation such as married, a registered domestic partner, single, common-law, or divorced. Report status of any marriage intent or returning to a marriage upon release. List obligations to pay family support in dollar amount, name of county, and address of agency to receive payments.

Chapter 7

Article 8 - Notices

72060.4 Requests for Notification

Written requests for notification shall be accepted from:

- Public or other law enforcement agencies.
- Paroling authority of another jurisdiction.
- DAs (pursuant to PC 270).
- Victim, witness, next-of-kin, or immediate family member as defined in Section 3000 of the Title 15.

72060.7 Victim, Witness, Next-of-Kin, or Immediate Family Member Notification

Victims, witnesses, next-of-kin, or immediate family members as defined in Section 3000 of the Title 15 who request notification shall be notified of the inmate's/parole violator's death, escape, scheduled release to parole, discharge, release from custody for any other reason, or transfer of custody to another agency including a CCF. Requests shall be made in writing by letter or CDC Form 1707, Request for Victim Notification/Special Conditions of Parole.

Written requests from victims, witnesses, next-of-kin, or immediate family members shall be processed in the following manner:

CC-III/C&PR/Parole Region CCRM

The CC-III (Reception Center), C&PR, or Parole Region CCRM shall send an acknowledgement letter to each victim, witness, next of kin, or immediate family member as defined in Section 3000 of the Title 15 upon receipt of the initial correspondence.

This letter will serve only as an acknowledgement letter, not the official notification letter.

The acknowledgement letter shall include the offender's most current scheduled release date or BPT hearing date and shall include a brief qualified statement that release dates are an estimate and subject to change. The letter shall state that the requestor shall **AGAIN** be notified 45 days prior to release of any type.

The letter shall also include:

- Request for additional information if needed.
- Inform the requestor of the responsibility to provide the Department with a current address and telephone number which will remain confidential.
- Confirmation of the confidential status of the request.

Notices to a victim, witness, next of kin, or immediate family member as defined in Section 3000 of the Title 15 shall be done by return-receipt mail. In the event that the requestor does not reside at the last known address provided to the Department, the CC-III/C&PR/CCRM shall make a diligent, good faith effort to learn the whereabouts of the requestor.

If notification of an inmate's release, death, escape, placement in a CCF/WF, or transfer of custody to another agency is returned undelivered, staff shall attempt to locate the person requesting notification using the following means:

- A telephone call to person requesting the notification.
- Directory assistance.
- CDC Victim Services.
- Local law enforcement.

Staff shall complete CDC Form 1722, Notice of Release Returned Undelivered and staple it to the undelivered notice, and insert the materials in the confidential section of the inmate's C-File. If the current address is discovered, staff shall send a new notice to the person requesting notification.

Notification Procedures

Those persons requesting information regarding offenders convicted of felonies shall be notified by the CC-III/Reception Center, C&PR, or CCRM in writing, at least 45 days prior to the inmate's/parole violator's scheduled release to parole, discharge, release from custody for any other reason, or transfer of custody to another agency. The notification will be done by a completed CDC Form 863-A, Confidential Notice of Release to Parole, pursuant to PC3058. If there is any change in the release date after the 45-day notice has been sent, the victim, witness, next of kin, immediate family member as defined in Section 3000 of the Title 15 shall be notified immediately by the most expeditious means. A copy of the completed CDC Form 863-A shall be filed in the inmate's/parole violator's confidential folder with the request and response.

Escape

In the event of an inmate's/parole violator's escape, the victim, witness, next of kin, or immediate family member as defined in Section 3000 of the Title 15 shall be notified by the most expedient means possible. Either by telephone, through the local law enforcement agency of record, or by telegram.

72060.9.2 Notice Announcing Release to Community Correctional Center or Work Furlough

When notification is requested, CCF/WF staff shall send written notice at least 60 days before placement of an inmate in a CCF/WF program to the:

- Chief of police of the city in which the inmate shall reside or in which placement shall be made.
- Sheriff of the county in which the inmate shall reside or in which placement shall be made.
- Victim, witness, next-of-kin, or immediate family member as defined in Section 3000 of the Title 15.

Article 17 – Preparation of Calendars

74040.3.5 35 Days Prior to Hearing

Pull the C-File and prepare PC 3042 and 3043 notices. Mail notices to the following persons prior to any parole consideration or rescission hearing on a life prisoner:

- The judge who presided at the trial and conviction of the inmate.
 - Complete BPT Form 1087-A, Notice of Hearing– Judge (If the judge is retired, deceased, etc., send the notice to the presiding judge of the committing county.)
- The DA's office which prosecuted the case.
 - Complete BPT Form 1087-B, Notice of Hearing– DA and mail to the DA of the county of commitment.
 - Fill in the exact date and time of the hearing in the space provided should the DA wish to attend.
- The law enforcement agency which investigated the offense.
 - Complete BPT Form 1087-C, Notice of Hearing. Include the location of the offense on the form.
- The attorney who defended the inmate at the time of trial.
 - Complete BPT Form 1087-C.
- The AG's Office.
 - Complete BPT Form 1087-C. Include the county case number and victim(s) name. Indicate any change of venue cases.
- The law enforcement agency which employed the murder victim if the victim was a peace officer.
 - Complete BPT Form 1087-C.
- Victim, next of kin, or immediate family member as defined in Section 3000 of the Title 15, support person, or counsel who has requested notice and has provided a current address. (Does not apply to rescission hearing.)

- Complete BPT Form 1087-D, Victims Notice of Hearing.
- BPT Form 1006, Advance Information Sheet, shall be attached and sent with the BPT Form 1087-D.

BPH and C&PR Responsibilities

- The BPH shall notify the Office of Victim and Survivor Services (OVSS) of the authorization for the victim, next of kin, immediate family member as defined in Section 3000 of the Title 15, support person, or counsel to attend the hearing.

74040.4.2 BPH Hearing — Victim Escort Procedures

Victims, next of kin, immediate family members as defined in Section 3000 of the Title 15, support person, or counsel upon arrival at the correctional facility shall be processed and escorted to the hearing in accordance with the Department Operations Manual Chapter 6, Article 13, BPH.

Article 22 – Civil Addict Commitments

76010.5.6 Initial Study

A narrative report is compiled by the counselor discussing facts, or relationship between facts, which may be applicable to the treatment and controlling of the resident. A treatment plan is formulated from these assessments and evaluations:

Employment Assessment

This section responds to the questions:

- Does the individual have stable or sporadic work history?
- Do they claim work skills?
- If a member of a union, is the individual skilled at journeyman or apprentice level?
- If a welder, for example, are they certified, etc.

Verify Employment

Verification of prior employment is required through correspondence with former employers, indicating pay scale, future employability, etc.

- Does the individual need additional training to become employable?

Education Assessment

Highest grade completed.

- What is tested grade level?
- Considering age and claimed work skills, is General Education Development (GED) requirement appropriate?
- Does he/she require vocational or academic training?

Note: If the resident cannot read and/or write, the need for remedial education should be assessed.

Drug/Alcohol Assessment

Assessment as follows:

- Is the individual an alcohol abuser in need of Alcoholics Anonymous?
- Are there conflicts in the POR's and doctor's court report regarding drug use?
- Are they a poly-drug user?
- How old was the person when usage began?
- Are there specific concerns regarding drugs used?
- Are they in need of Narcotics Anonymous?

Social Evaluation

This section should speak to the individual's relationships with family members who are defined in Section 3000 of the Title 15.

- Are there problem areas with any family members, including mother, father, siblings, wife, husband, registered domestic partner, children, etc., which need to be resolved?
- Have any family members ever been incarcerated?
- If so, who and for what offense?

Chapter 8

Article 1 – Release Procedures and Conditions of Parole

81010.2 Policy

Revised November 28, 1990

All inmates shall be paroled to the county of commitment unless the case complies with an exception criteria. County of commitment is the county where the crime for which the parolee was committed occurred, except for crimes committed in prison. Commitments to prison for an in-custody (prison) felony shall not be used as the basis for determining the county of commitment. If the parolee has been discharged from all previous terms, consideration shall be given to placement in another, more appropriate county in accordance with exception criteria. An inmate may be paroled to another county if it would be in the best interest of the public and of the parolee. The reasons for parole to another county shall be specified in writing in the parolee's C-File.

Another County

The following factors shall be considered in determining if parole to another county is justified:

- The need to protect the life or safety of a victim, the parolee, a witness or any other person.
- Public concern that would reduce the chance that the individual's parole would be successfully completed.
- The verified existence of a work offer, or an educational or vocational training program in another county that encompasses the following:
 - Permanent employment that will enable parolee to be financially self-sufficient. (Minimum wage jobs, such as busboy or short-term jobs such as cannery worker, are not self-supporting or of sufficient duration to qualify.)
 - Training or educational program that will: be full time; materially upgrade the parolee's employment skills or educational level and thus substantially improve employability; and will provide sufficient funds to preclude the parolee from relying on welfare, CDC cash assistance or similar programs.
- The last legal residence of the parolee having been in another county.
- The existence of family in another county with whom the parolee has maintained strong ties and whose support would increase the chance that parole would be successfully completed.
 - Family members are defined in Section 3000 of the Title 15 as the parolee's legal spouse, registered domestic partner, natural parents; adoptive parents, if the adoption occurred and a family relationship existed prior to the parolee's incarceration; step-parents or foster parents; grandparents; brothers and sisters; the parolee's natural and adoptive children; step-children or grandchildren. Aunts, uncles and cousins are not considered as immediate family members unless a bonafide foster relationship exists.

Article 2 – Case Supervision

81020.21.2 Notification and Disclosure of HIV Infected Parolee Policy

Revised March 8, 1990

Information regarding the HIV, AIDS or ARC status of a person is confidential and shall not be disclosed except as provided by law. Willful or negligent disclosure of HIV information by a peace officer is a misdemeanor.

Designated Department institution medical representatives shall inform the assigned Parole Agent of the pending parole of an inmate who has tested positive for HIV infection or who has been diagnosed with ARC or AIDS and of the appropriate medical precautions to be taken. The Parole Agent is responsible for ensuring that the parolee who has tested positive for HIV infection or who has ARC or AIDS contacts the county health department or his or her own physician in order to receive appropriate counseling and medical treatment for AIDS.

If it becomes known to a Parole Agent that a parolee who has tested positive for HIV infection, or has ARC or AIDS has not informed his or her spouse or registered domestic partner, the Parole Agent shall ensure that the spouse or registered domestic partner is informed. In addition, the Parole Agent shall seek to ensure that the person providing this information also provides counseling to the spouse or registered domestic partner. The Parole Agent may request that the information and counseling be provided only by the CMO of the parolee's releasing institution, or by the treating physician for the spouse, registered domestic partner, or parolee.

In the apprehension of a parolee diagnosed with ARC or AIDS, the Parole Agent shall inform local law enforcement officers assisting him or her in that activity of this information in order to protect themselves from potential HIV exposure or transmission.

81020.21.3 Notification and Disclosure of HIV Infected Parolee Procedures

Revised March 8, 1990

Performed by designated institution medical representative prior to parolee's release:

- Notes inmate's HIV infection status on the CDC Form 611, Referral Release Program Study and on a CDC Form 128-C for the Medical Record.
- Conveys the appropriate medical precautions to the Parole Agent.

Performed by Parole Agent:

- Ensures that HIV infected parolee contacts the county health department or his or her own physician in order to receive appropriate counseling and medical treatment for AIDS.

- May request institution CMO or the physician treating the spouse, registered domestic partner, or parolee to inform the spouse or registered domestic partner of the parolee's HIV positive status if parolee has not informed the spouse or registered domestic partner of HIV infection.
- Informs assisting law enforcement officers of parolee's diagnosis with ARC or AIDS.

81020.22.1 Notification of Release of Parolees Convicted of a Violent Felony Procedures

Regional Screening Coordinator

Reviews CDC Form 611, Release Program Study (RPS) to determine if parolee was convicted of a violent offense per PC 667.5(c). (Listing follows).

Completes and attaches PC 3058.6 Notice Memorandum to RPS package.

Parole Agent

Makes notations that case requires PC 3058.6 and 3058.8 notice on Field Book Face Sheet and Parolee Roster.

Notes PC 3058.6 Notice Requirements on Risks and Needs Assessment Form.

(At Least 15 Days Prior to Release)

Notifies sheriff or chief of police and DA of parolee's release from local custody facility and Revocation Release Date (RRD) or Projected Revocation Release Date (PRRD) by CDC Form 863, Notice of Release to Parole, if parolee is returning to county of commitment.

Notice is made 45 days prior to release if parolee is returning to county other than county of commitment.

Includes parole unit address and telephone number and "address to be determined upon release" in CDC Form 863, if parolee's specific residence is not established.

PC 667.5(c):

- Murder or Voluntary Manslaughter.
- Mayhem.
- Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- Oral copulation by force, violence, duress, menace or fear of immediate and unlawful bodily injury on the victim or another person.
- Rape as defined in subdivision (2) of PC 261.
- Lewd acts on a child under 14 as defined in PC 288.
- Any felony punishable by death or life imprisonment in the state prison.
- Any other felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in PC 12022.7 or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in PC 213, 264 and 461, or any felony in which the defendant uses a firearm, of which the use has been charged and proved as provided the of which in PC 12022.5.
- Any robbery perpetrated in an inhabited dwelling house or trailer coach, as defined in the VC or in the inhabited portion of any other building, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of PC 12022, in the commission of that robbery.
- Arson, in violation of subdivision (a) of PC 451.
- The offense defined in subdivision (a) of PC 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

Notifies Victim

Notifies victims, next of kin, or witnesses of parolee's release from custody, if such notice has been requested, by CDC Form 863-A, Confidential Notice of Release to Parole.

- The notice shall inform those persons of the fact that the person who committed the violent offense is scheduled to be released and specify the proposed date of release.
- Notice of the community in which the person is scheduled to reside shall also be given only if it is:
 - In the county of residence of a witness, or family member including a registered domestic partner of a victim who has requested notification, or
 - Within 25 miles of the actual residence of a witness, victim, or family member including a registered domestic partner of a victim who has requested notification.

Article 18 – Re-entry Referral

83030.1 Policy

The Penal Code requires the Department to screen all inmates prior to parole to determine possible eligibility for community re-entry program. All qualified inmates will be encouraged to participate in Re-entry Program.

All parole cases (including cases with pending warrants or those being considered for out-of-state parole) shall be referred to the parole region containing the inmate's county of commitment. County of commitment is the county where the crime for which the inmate was committed occurred, except for crimes committed in prison. Commitments to prison for an in-custody (prison) felony shall not be used as the basis for determining the county of commitment. If the inmate has been discharged from all previous terms, consideration shall be given by regional staff to placement in another, more appropriate county in accordance with exception criteria. If an inmate requests placement in another county, detailed information on the inmate's proposed alternative release program shall be included in the CDC Form 611, Release Program Study (RPS).

Exceptions

All inmates shall be paroled to the county of commitment unless the case complies with exception criteria. An inmate may be paroled to another county if it would be in the best interest of the public and of the inmate. The reasons for parole to another county shall be specified in writing in the inmate's C-File.

The following factors shall be considered in determining if parole to another county is justified:

- The need to protect the life or safety of a victim, the inmate, a witness or any other person.
- Public concern that would reduce the chance that the individual's parole would be successfully completed.
- The verified existence of a work offer, or an educational or vocational training program in another county that encompasses the following:
 - Permanent employment that will enable inmate to be financially self-sufficient. (Minimum wage jobs, such as busboy or short-term jobs such as cannery worker, are not self-supporting or of sufficient duration to qualify.)
 - Training or educational program that will: be full time; materially upgrade the inmate's employment skills or educational level and thus substantially improve employability; and will provide sufficient funds to preclude the inmate from relying on welfare, CDC cash assistance or similar programs.
- The last legal residence of the inmate having been in another county.
- The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that parole would be successfully completed.

Family members are defined in Section 3000 of the Title 15 as the inmate's legal spouse, registered domestic partner, natural parents; adoptive parents, if the adoption occurred and a family relationship existed prior to the inmate's incarceration; step-parents or foster parents; grandparents; brothers and sisters; the inmate's natural and adoptive children; step-children or grandchildren. Aunts, uncles and cousins are not considered as immediate family members unless a bonafide foster relationship exists.

Article 21 – Inmate Furlough

83060.2 Furlough Definitions

An approved sponsor may be:

- An immediate adult family member as defined in Section 3000 of the Title 15.
 - A responsible adult with a specific interest in assisting the inmate, such as an M-2 sponsor, church affiliate, a civic group affiliate or potential employer. A "responsible adult" sponsor shall not be used as a means of circumventing the common-law exclusion for overnight passes.

An immediate family member as defined in Section 3000 of the Title 15 includes any of the following:

- Legal spouse.
- Registered domestic partner
- Natural parent.
- Adoptive parent (if the adoption occurred prior to the inmate's incarceration).
- Stepparent.
- Foster parent.
- Grandparent.
- Brother or sister.
- Natural child (all children must be at least 18 years of age).
- Adoptive child (if the adoption occurred prior to the inmate's incarceration).
- Stepchild.
- Grandchild.
- Aunt, uncle, or cousin if a bona fide foster relationship existed prior to incarceration.

83060.4 Emergency TCL Policy

Emergency TCL may be granted for a maximum of 72 hours for attendance at the funeral of an immediate family member or a bedside visit to a critically ill immediate family member. An immediate family member includes any of the following:

- Legal spouse.
- Registered domestic partner
- Natural parent.
- Adoptive parent (if the adoption occurred prior to the inmate's incarceration).
- Stepparent.
- Foster parent.
- Grandparent.
- Brother or sister.
- Natural child (all children must be at least 18 years of age).
- Adoptive child (if the adoption occurred prior to the inmate's incarceration).
- Stepchild.
- Grandchild.
- Aunt, uncle, or cousin if a bona fide foster relationship existed prior to incarceration.

Article 46 – Weapons Policy

86010.2 Policy

Revised March 8, 1990

Authorization

A Parole Agent appointed after January 1, 1988, whose work assignment is within the P&CSD (PA-I -- through Deputy Director) will, after completion of the P&CSD's firearm training program, be issued and carry a firearm while on duty. A Parole Agent appointed prior to January 1, 1988 may exercise the option to be issued a firearm and carry it while on duty after completion of the P&CSD's firearm training program.

A Parole Agent will carry and use only that weapon that is issued to him or an approved, personally owned 9mm weapon as defined in this Article. If a Parole Agent voluntarily chooses to carry an approved personally owned 9mm weapon while on duty the agent will be required to relinquish the state issued firearm. Any time the firearm is carried on the person, the approved chemical agent dispenser will also be carried.

Only in an immediate life-threatening emergency situation may a Parole Agent be permitted to use another agent's or other law enforcement officer's firearm. A Parole Agent working outside the P&CSD will not have the option of being armed. The armed Parole Agent is not authorized to carry the firearm issued by P&CSD while off duty except as specifically authorized.

Defensive Weapon

Firearms will be regarded as defensive weapons and will be discharged only when the Parole Agent is compelled to do so by existing circumstances. The armed Parole Agent will not discharge a firearm in the course of employment except as permitted in this Article. The improper use of firearms will result in adverse action and may result in civil or criminal sanctions being taken.

Unholstering of the Firearm

The firearm will not be removed from the holster or otherwise displayed unless there are sufficient and compelling reasons for doing so. In making that determination, it is not necessary for the agent to wait until the agent or another person is actually being assaulted or otherwise under attack before the firearm may be drawn. Rather, if the agent determines or otherwise believes that there is or will be a clear and present danger to the agent or another person, the firearm may be drawn in preparation for that danger. If, however, that clear and present danger fails to materialize or is otherwise controlled, the firearm will be immediately reholstered. To determine if a clear and present danger exists, the agent will consider and give relative weight to the following factors:

- The display by an individual of a weapon or any item that can be used as a weapon in a threatening manner.
- Information from a reliable source (e.g., spouse, registered domestic partner, law enforcement, employer, landlord), that an individual is or may be armed, making threats, acting abnormally or dangerously, or has already injured or killed another person.

Article 47 – BPH Charge Codes

86020.3.5 Type III, Battery and Assault - Major

400 Assault with a deadly weapon.

- 410 Assault with a deadly weapon on a peace officer.
- 413 Assault on a peace officer.
- 415 Assault with caustic substance.
- 420 Assault with intent to commit murder.
- 423 Assault with great bodily injury.
- 435 Assault on spouse or registered domestic partner/child.
- 440 Administering poison.
- 445 Mayhem.
- 452 Battery on a peace officer.
- 453 Battery with great bodily injury.
- 455 Battery spouse or registered domestic partner/child.
- 460 Cruelty to a child.
- 495 Other crime in which great bodily injury is inflicted (specify statute and section violated).
- 497 Other crime posing major personal risk to others (specify statute and section violated).
- 498 Drive-by shooting.
- 499 Threat to Commissioner/Deputy Commissioner/family.

Article 49 – Risk Assessment

86040.3 Needs Assessment

Residence

Past Pattern: Describe parolee's or outpatient's past residential patterns (e.g., lives alone, with others, with parents, legal or common-law spouse, registered domestic partner, friends, etc).

Article 54 – Confidential Material

86080.3 Basis for Classifying Material as Confidential

Material will be classified as confidential according to the information that it contains and not according to its title, label, or origin. The following criteria will apply to classifying material as confidential:

Confidential by Statute

Access to CI&I SSCH is restricted to the parolee, the parolee's attorney, and persons and agencies listed in PC 11105.

Medical, Psychological, and Psychiatric Reports

A report prepared by departmental medical or psychiatric staff will be classified as confidential only if it meets the criteria below. Possible disturbance to the parolee or impairment of the treatment relationship is not a valid reason for classifying material as confidential unless disclosure might result in suicide attempts by the parolee. A report classified as confidential will contain a statement of the reason for the classification.

Victim/Witness Notification

All requests by a victim, witness, next-of-kin, immediate family member as defined in Section 3000 of the Title 15 for notification/special condition of parole, and any responses to such requests shall be classified as confidential and filed in the confidential section of the inmate's/parolee's file. (Refer to DOM 72060, Notices.)

Threatens the Safety of a Person

Information which, if disclosed, might lead to retaliation against any person will be classified as confidential.

Another Person's SSCH

Information regarding another person's criminal history, which is not a matter of public record (e.g., a crime partner's cumulative case summary), will be classified as confidential.

Promised or Implied Confidentiality

Information should be classified as confidential only if it is judged to be highly sensitive and there was a promise of confidentiality.

Threatens the Security of a Facility

Information that, if disclosed, might threaten the security of any jail, prison, or similar facility will be classified as confidential.

Chapter 9

Article 7 – Health Records

91070.8.1 Valid Authorization

A valid authorization for the release of an inmate's health care record shall follow these guidelines:

- Be handwritten by the person who signs it or is in typeface no smaller than 8-point type.
- Be clearly separate from any other language present on the same page and be executed by a signature which serves no other purpose than to execute the authorization.
- Be signed and dated by the inmate. If the inmate is deceased or incompetent, the legal representative, spouse or registered domestic partner of inmate or person responsible for the inmate, or the beneficiary or personal representative of the deceased inmate may sign the authorization.
- State the specific uses and limitation on the types of medical information to be disclosed.
- State the name or functions of the provider of health care that may disclose the medical information.
- State the name or functions of the persons or entities authorized to receive the medical information.
- State a specific date after which the provider of health care is no longer authorized to disclose the medical information.
- Advise the person signing the authorization of the right to receive a copy of the authorization.
- Statement of revocation.

Article 10 – Advanced Directives and Do Not Resuscitate Orders

91100.4 Designation of Agents

The inmate-patient may choose a family member as defined in Section 3000 of the Title 15 or close friend who is available and agreeable to assume the responsibility as an agent. If possible, the inmate-patient should get the consent of the potential agent before that person is designated and discuss his or her wishes with the agent in advance.

Supervising health care providers and CDCR employees (unless related to the inmate-patient by blood, marriage, or adoption, or is a registered domestic partner of the inmate-patient), may not serve as an inmate-patient's agent.

Chapter 10

Article 7, Marriages

101070.1 Policy

PC 2601 provides that all persons sentenced to the Department have the right to marry.

Unless legitimate penological interest would dictate otherwise, inmates shall be permitted to marry when they meet all legal and departmental requirements. This Article does not apply to registered domestic partnerships, which are legally distinct from marriages. The CDCR does not assist inmates to establish registered domestic partnerships because inmates, while they are incarcerated, cannot meet the common residency requirement of the California Domestic Partners Rights and Responsibilities Act.